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Counsel for Plaintiff
JUAN ESPINOZA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN ESPINOZA,

Plaintiff,

v.

CITY OF TRACY and R. LEON CHURCHILL,

Defendants.

Case No. 15-CV-00751-WBS-KJN

**STIPULATION TO WITHDRAW STIPULATED
REQUEST TO CONTINUE HEARING OF
DEFENDANTS' MOTION TO DISMISS;
[PROPOSED] ORDER**

Hearing Date: February 6, 2017
Time: 1:30 p.m.
Courtroom: 5, 14th Floor
Judge: Hon. William B. Shubb
Trial Date: Not set.

STIPULATION

The parties to this action, Plaintiff JUAN ESPINOZA and Defendants CITY OF TRACY and R. LEON CHURCHILL, through their respective counsel, stipulate as follows:

Whereas the parties met and conferred beginning January 27, 2017, at the request of Plaintiff's counsel, who had a calendar conflict with this hearing set for February 6, 2017;

Whereas counsel for all parties agreed the hearing on the Motion to Dismiss would be continued to either February 21, 2017, or March 6, 2017;

Whereas a stipulation and order for continuance was filed the morning of January 30, 2017 [Docket Number 39];

Whereas the need of Plaintiff's counsel for the continuance no longer exists as of 1:00 p.m., on January 30, 2017;

and,

Whereas, the parties through counsel wish to withdraw the stipulation [Docket Number 39] and to proceed to hearing on February 6, 2017, as originally noticed.

NOW THEREFORE the parties stipulate as follows:

The parties jointly request that the stipulation to continue the hearing [Docket Number 39] be withdrawn and no action be taken upon said stipulation by the Court other than its withdrawal.

IT IS SO STIPULATED.

Dated: January 30, 2017

LIEBERT CASSIDY WHITMORE
ARLIN B. KACHALIA

By: /s/ Arlin B. Kachalia
ARLIN B. KACHALIA

Attorneys for Defendants
CITY OF TRACY AND R. LEON CHURCHILL

Dated: January 30, 2017

Law Office of Russell A. Robinson

By: /s/ Russell A. Robinson
RUSSELL A. ROBINSON

Counsel for Plaintiff
JUAN ESPINOZA

ORDER
PURSUANT TO STIPULATION AND GOOD CAUSE SHOWN,

The Court hereby orders that the subject stipulation [Docket Number 39] is hereby deemed withdrawn, and this matter shall proceed to hearing on February 6, 2017, as originally noticed.

IT IS SO ORDERED.

Dated: January 30, 2017



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE